

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix C** ... has been added to the **2017 LRB-6071**

Appendix A ☞ LRB 17-5979

Appendix B ☞ LRB 17-5982

Appendix C ☞ LRB 17-5983

Appendix D ☞ LRB 17-5986

Appendix E ☞ LRB 17-5989

Appendix F ☞ LRB 17-5995

Appendix G ☞ LRB 17-5998

Appendix H ☞ LRB 17-6006

Appendix I ☞ LRB 17-6007

Appendix J ☞ LRB 17-6012

Appendix K ☞ LRB 17-6021

Appendix L ☞ LRB 17-6023

Appendix M ☞ LRB 17-6024

Appendix N ☞ LRB 17-6027

Appendix O ☞ LRB 17-6028

Appendix P ☞ LRB 17-6031

Appendix Q ☞ LRB 17-6036

Appendix R ☞ LRB 17-6037

Appendix S ☞ LRB 17-6038

Appendix T ☞ LRB 17-6046

Appendix U ☞ LRB 17-6047

Appendix V ☞ LRB 17-6048

Appendix W ☞ LRB 17-6049

Appendix X ☞ LRB 17-6050

Appendix Y ☞ LRB 17-6052

Appendix Z ☞ LRB 17-6059

Appendix AA ☞ LRB 17-6065

Appendix BB ☞ LRB 17-6067

2017 DRAFTING REQUEST

Bill

For: **Joan Ballweg (608) 266-8077** Drafter: **ewheeler**
 By: **Bethany** Secondary Drafters:
 Date: **11/13/2018** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Ballweg@legis.wisconsin.gov**
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**
michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Retrospective economic impact analyses for rules

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 11/15/2018	anienaja 11/15/2018			
/P1			dwalker 11/15/2018		State

FE Sent For: **<END>**

Wheeler, Elizabeth

17-5983

From: Duchek, Michael
Sent: Tuesday, November 13, 2018 1:48 PM
To: Wheeler, Elizabeth
Subject: Request

Bethany in Rep. Ballweg's office called and would like this drafted for the *2017 session*:

Modify s. 227.138 to allow for independent retrospective economic impact analyses to be requested as in 227.137 (4m) for regular EIAs. The one question I guess there would be is who pays for it. Unlike with EIAs, there won't necessarily be an agency EIA, so they can't use the same payment method, unless they always require the agency to do one first. Might be worth calling the office to get more guidance on that.

-Mike

- require agency EIA first.
- Request independent EIA w/in 90 days after receiving agency EIA.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5983

OP1
EAW:...

m: 11/15

me: 11/15 if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
X
Pw

Gen.

- 1 AN ACT ...; relating to: independent retrospective economic impact analyses of
2 rules.

Analysis by the Legislative Reference Bureau

This bill allows the legislature to request an independent retrospective economic impact analysis (EIA) for a rule.

Under current law, either cochairperson of the joint committee for review of administrative rules (JCRAR) may request an independent EIA for a proposed rule after an agency submits its EIA for that proposed rule. Such a request by the senate cochairperson of JCRAR requires approval by the committee on senate organization, and a request by the assembly cochairperson requires approval by the committee on assembly organization. Current law requires the requestor to enter into a contract to perform the independent EIA, and requires the analysis to be completed within 60 days after entering into the contract. Under current law, an independent EIA is paid for by the agency if the independent EIA's cost estimate for the proposed rule varies by 15 percent or more from the agency's EIA, and the EIA is paid for by the legislature if the independent EIA's cost estimate for the proposed rule varies by less than 15 percent from the agency's EIA.

Also under current law, either cochairperson of JCRAR may request an agency to conduct a retrospective EIA for existing rules, which must contain certain information and analysis about the economic impact of the agency's existing rules. This bill allows either cochairperson of JCRAR to request an independent retrospective EIA for a rule within 90 days after an agency submits a retrospective EIA for the rule. The bill specifies that a request for an independent retrospective

EIA for a rule follows the same procedure and payment method as a request for an independent EIA for a proposed rule.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

renumbered 227.138(1) and

1

SECTION 1. 227.138 (1) (intro.) of the statutes is amended to read:

2

227.138 (1) The joint committee for review of administrative rules may direct

3

an agency to prepare a retrospective economic impact analysis for any of an agency's

4

rules that are published in the code. The committee may identify one or more specific

5

chapters, sections, or other subunits in the code that are administered by the agency

6

as the rules that are to be the subject of the analysis and may specify a deadline for

7

the preparation of the analysis.

8

(1r) **(intro.)** A retrospective economic impact analysis shall contain

9

information on the economic effect of the rules on specific businesses, business

10

sectors, public utility ratepayers, local governmental units, and the state's economy

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as a whole. When preparing the analysis, the agency or person preparing the

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analysis shall solicit information and advice from businesses, associations

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representing businesses, local governmental units, and individuals that have been

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affected by the rules. The agency or person shall prepare the retrospective economic

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impact analysis in coordination with local governmental units that have been

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affected by the rules. The agency or person may request information that is

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reasonably necessary for the preparation of a retrospective economic impact analysis

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from other businesses, associations, local governmental units, and individuals and

1 from other agencies. The retrospective economic impact analysis shall include all of
2 the following:

History: 2017 a. 108.

3 **SECTION 2.** 227.138 (1) (a) to (h) of the statutes are renumbered 227.138 (1r)
4 (a) to (h).

5 **SECTION 3.** 227.138 (1g) of the statutes is created to read:

6 ~~227.138 (1g)~~ Within 90 days ^{no} after an agency submits a retrospective economic
7 impact analysis under sub. (2), either cochairperson of the joint committee for review
8 of administrative rules may request an independent retrospective economic impact
9 analysis to be prepared using the same procedure and payment methods described
10 under s. 227.137 (4m) (am) ^{and} ~~to~~ (b). A person preparing an independent retrospective
11 economic impact analysis under this subsection shall prepare the independent
12 retrospective economic impact analysis for the same rules that were the subject of
13 the agency's analysis under sub. (1) and shall include the information that is
14 required under sub. (1r).

15 **SECTION 4.** 227.138 (2) of the statutes is amended to read:

16 227.138 (2) An agency or person that prepares a retrospective economic impact
17 analysis under sub. (1) or [✓] (1g) shall submit that analysis to the department of
18 administration, to the governor, and to the chief clerks of each house of the
19 legislature, who shall distribute the analysis to the presiding officers of their
20 respective houses, to the chairpersons of the appropriate standing committees of
21 their respective houses, as designated by those presiding officers, and to the
22 cochairpersons of the joint committee for review of administrative rules. The agency
23 or person shall also send an electronic copy of the analysis to the legislative reference

1 bureau, in a format approved by the legislative reference bureau, for publication in
2 the register.

History: 2017 a. 108.

3 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5983/P1
EAW:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to renumber* 227.138 (1) (a) to (h); *to renumber and amend* 227.138
2 (1) (intro.); *to amend* 227.138 (2); and *to create* 227.138 (1g) of the statutes;
3 **relating to:** independent retrospective economic impact analyses of rules.

Analysis by the Legislative Reference Bureau

This bill allows the legislature to request an independent retrospective economic impact analysis (EIA) for a rule.

Under current law, either cochairperson of the Joint Committee for Review of Administrative Rules may request an independent EIA for a proposed rule after an agency submits its EIA for that proposed rule. Such a request by the senate cochairperson of JCRAR requires approval by the Committee on Senate Organization, and a request by the assembly cochairperson requires approval by the Committee on Assembly Organization. Current law requires the requester to enter into a contract to perform the independent EIA, and requires the analysis to be completed within 60 days after entering into the contract. Under current law, an independent EIA is paid for by the agency if the independent EIA's cost estimate for the proposed rule varies by 15 percent or more from the agency's EIA, and is paid for by the legislature if the independent EIA's cost estimate for the proposed rule varies by less than 15 percent from the agency's EIA.

Also under current law, either cochairperson of JCRAR may request an agency to conduct a retrospective EIA for existing rules, which must contain certain information and analysis about the economic impact of the agency's existing rules. This bill allows either cochairperson of JCRAR to request an independent retrospective EIA for a rule within 90 days after an agency submits a retrospective

EIA for the rule. The bill specifies that a request for an independent retrospective EIA for a rule follows the same procedure and payment method as a request for an independent EIA for a proposed rule.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 227.138 (1) (intro.) of the statutes is renumbered 227.138 (1) and
2 amended to read:

3 227.138 (1) The joint committee for review of administrative rules may direct
4 an agency to prepare a retrospective economic impact analysis for any of an agency's
5 rules that are published in the code. The committee may identify one or more specific
6 chapters, sections, or other subunits in the code that are administered by the agency
7 as the rules that are to be the subject of the analysis and may specify a deadline for
8 the preparation of the analysis.

9 **(1r)** A retrospective economic impact analysis shall contain information on the
10 economic effect of the rules on specific businesses, business sectors, public utility
11 ratepayers, local governmental units, and the state's economy as a whole. When
12 preparing the analysis, the agency or person preparing the analysis shall solicit
13 information and advice from businesses, associations representing businesses, local
14 governmental units, and individuals that have been affected by the rules. The
15 agency or person shall prepare the retrospective economic impact analysis in
16 coordination with local governmental units that have been affected by the rules. The
17 agency or person may request information that is reasonably necessary for the
18 preparation of a retrospective economic impact analysis from other businesses,

1 associations, local governmental units, and individuals and from other agencies.

2 The retrospective economic impact analysis shall include all of the following:

3 **SECTION 2.** 227.138 (1) (a) to (h) of the statutes are renumbered 227.138 (1r)
4 (a) to (h).

5 **SECTION 3.** 227.138 (1g) of the statutes is created to read:

6 227.138 (1g) Within 90 days after an agency submits a retrospective economic
7 impact analysis under sub. (2), either cochairperson of the joint committee for review
8 of administrative rules may request an independent retrospective economic impact
9 analysis to be prepared using the same procedure and payment methods described
10 under s. 227.137 (4m) (am) and (b). A person preparing an independent retrospective
11 economic impact analysis under this subsection shall prepare the independent
12 retrospective economic impact analysis for the same rules that were the subject of
13 the agency's analysis under sub. (1) and shall include the information that is
14 required under sub. (1r).

15 **SECTION 4.** 227.138 (2) of the statutes is amended to read:

16 227.138 (2) An agency or person that prepares a retrospective economic impact
17 analysis under sub. (1) or (1g) shall submit that analysis to the department of
18 administration, to the governor, and to the chief clerks of each house of the
19 legislature, who shall distribute the analysis to the presiding officers of their
20 respective houses, to the chairpersons of the appropriate standing committees of
21 their respective houses, as designated by those presiding officers, and to the
22 cochairpersons of the joint committee for review of administrative rules. The agency
23 or person shall also send an electronic copy of the analysis to the legislative reference

1 bureau, in a format approved by the legislative reference bureau, for publication in
2 the register.

3 (END)